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June 13, 2016

VIA ECF

Hon. Lorna G. Schofield
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Kriss, et al. v. Bayrock Group LLC et al., 10 Civ. 3959 (LJS) (FM)

Dear Judge Schofield,

We are counsel to Felix Sater ("Mr. Sater"), a defendant in the above-captioned case, and write pursuant to the Court's Order dated May 31, 2016 (Dkt. No. 394, the "Order"). The Order directed counsel for the Bayrock Defendants and Mr. Sater to submit a letter, chart or other communication that (1) identifies any redactions to the complaint as filed in Israel (the "Israeli Complaint") to which we do not oppose publication, and (2) for each of the remaining redactions to the Israeli Complaint, explain the request for continued redaction.

Attached as Exhibit A is a chart submitted pursuant to the Order. At the outset, we note that the majority of the redacted material in the Israeli Complaint is information derived from Mr. Sater's presentence investigation report (the "PSR"). The Hon. I. Leo Glasser, U.S. District Judge for the Eastern District of New York, permanently enjoined the public dissemination of the PSR on June 21, 2010. On February 14, 2011, the Second Circuit Court of Appeals temporarily enjoined all parties and anyone acting in participation with them from publicly distributing or revealing in any way the contents of the PSR. See Roe v. United States, Docket Nos. 10-2905-cr, 11-479-cr (2nd Cir. Feb. 14, 2011). Judge Glasser's injunction was affirmed by the Second Circuit Court of Appeals on June 29, 2011, with instructions to the Hon. Brian M. Cogan, U.S. District Judge for the Eastern District of New York, to "retain jurisdiction for the limited purpose of enforcing the February 14, 2011 mandate - that is, to ensure the parties' compliance with the orders of this Court and any that have been, or may hereafter be, entered by Judge Glasser." Roe v. United States, 428 Fed. App'x 60, 2011 WL 2559016 at *7 (2nd Cir. June 29, 2011).

On March 13, 2013, Judge Glasser, citing United States v. Charmer Industries, Inc., 711 F.2d 1164 (2d Cir. 1983), issued a sealed, sealing order (the "Sealed Order") which redacted documents that reference the contents of the PSR. See United States v. Sater, 98-cr-1101, Dkt. 221 (ILG) (E.D.N.Y.). Judge Glasser's Sealed Order was affirmed by the Second Circuit Court of Appeals on June 5, 2014. See In re Applications to Unseal 98 CR 1101 (ILG), No. 13-2373-cv, Dkt. 161-1 (2d Cir. June 5, 2014).



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By Order dated March 14, 2016, Judge Cogan reiterated the findings of Judge Glasser, noting that “Judge Glasser ... found that the PSR, **information sourced from the PSR**, and the details of the cooperation agreement must remain sealed.” *See In re Public Documents Filed in 12 MC 557 (BMC)*, 16-mc-706, Dkt. 162 (BMC) (E.D.N.Y. Mar. 14, 2016) (emphasis added). In response to the instant Motion to Unseal by Brian Vodicka, Judge Cogan did not unseal Judge Glasser’s Sealed Order.

Your consideration is greatly appreciated.

Respectfully,

/S/

Robert S. Wolf